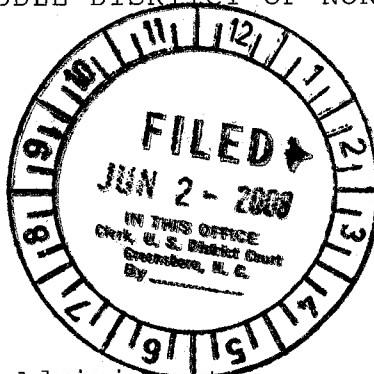


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISRTICT OF NORTH CAROLINA



MARK A. WARD,

Plaintiff,

v.

PETER E. MALONEY, Plan Administrator,

and

JOHN T. McDONALD,

Defendants.

Civil Action No.

1:08CV00054

PLAINTIFF'S MOTION FOR SANCTIONS

Plaintiff Mark A. Ward ("Ward") move this Court for an award of sanctions in accordance with Rule 11 of the Federal Rules of Civil Procedure, and in support thereof, state as follows:

1. Defendants filed a Motion for Sanctions regarding a pre-filing injunction in No. 1:05CV000424 with this Court in October, 2005. The Court denied Maloney's Motion on July 30, 2007.

2. In January 2008, Plaintiff filed a complaint (No. 1:08CV00054) along with supporting evidence against Defendants Peter E. Maloney and John T. McDonald seeking declaratory and injunctive relief as a result of Maloney and McDonald's fraud on this Court. On February 27, 2008, Defendants, having no defense,

then filed a Motion to Dismiss or, in the Alternative, for Summary Judgment.

3. On May 7, 2008, Defendants filed the same specious Motion for a pre-filing injunction against Plaintiff, a motion that this Court already denied on July 30, 2007.

4. As more fully detailed in the Memorandum of Law in Support of Plaintiff's Motion for Sanctions Pursuant to Rule 11, Defendants' motion is frivolous, and was filed with the improper purpose of harassing Plaintiff. The frivolity of Defendants' motion, the short time between Defendants' previous motion was denied and the fact that Plaintiff has filed no actions against Defendants that remotely relate to Ward v. Maloney, No. 1:05CV00424, establish that Defendants are in violation of Rule 11. Consequently, Plaintiff is entitled to an award of sanctions.

WHEREFORE, Plaintiff, Mark A. Ward, request this Court to impose sanctions against Defendants and its lawfirms pursuant to Rule 11 of the Federal Rules of Civil Procedure, including: an award of Plaintiff's reasonable attorney's fees and costs incurred in opposing Defendants' motion and such other sanctions as the Court deems appropriate under Rule 11.

Dated: May 30, 2008.

Mark A. Ward, pro se
Mark A. Ward
170 Summit Street, #21
Rural Hall, NC 27045
Ph. & Fax (336) 969-4139

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of May, 2008,
a true copy of the foregoing was mailed first class, postage
prepaid, to:

LUCRETIA D. GUIA
WOMBLE CARLYLE SANDRIDGE & RICE
ONE WEST FOURTH STREET
WINSTON-SALEM, NC 27101

Mark A. Ward